

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR08-1279

RAKIM FARRAKAN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered May 13, 2009

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. CR2007-4651]

HONORABLE MARION A.
HUMPHREY, JUDGE

AFFIRMED

LARRY D. VAUGHT, Chief Judge

Appellant Rakim Farrakan was found guilty by the Pulaski County Circuit Court of failure to register as a sex offender. The trial court sentenced Farrakan to a three-year suspended sentence and ordered payment of a fine and costs. On appeal, Farrakan argues that the trial court should have granted his directed-verdict motion on the failure-to-register charge. We affirm.

In December 1998, Farrakan was convicted of rape. He was sentenced to ten years' imprisonment and required to register as a sex offender thereafter. Farrakan was released from prison in April 2007. Upon his release, he registered as a sex offender with the assistance of Little Rock Police Department Detective Curtis Van Pelt. The sex-offender registration packet included a form outlining nine conditions, which Farrakan had to comply with and acknowledge. One of the conditions required Farrakan to update his residency and

employment information if he changed residences, mailing addresses, or employment. Another condition was that Farrakan verify his residency every six months. One of the documents in the packet was filled out by Detective Van Pelt, based on information provided by Farrakan. That document listed Farrakan's address as: 5929 Valley Drive. Another document in the packet was filled out by Farrakan, who listed his address as: 5921 Valley Drive.

Sometime after Farrakan registered, Detective Van Pelt determined that 5929 Valley Drive was not an actual address. In his investigation to determine where Farrakan was living, Detective Van Pelt learned that Patricia Blessing, Farrakan's mother, lived at 5921 Valley Drive, Apt. 8. According to the detective, he tried to contact Farrakan using the phone number listed in the registration packet, but was unsuccessful. However, Detective Van Pelt was able to contact Blessing, who told him that Farrakan did not live with her and that she did not know where he was.

Between April 2007 and November 2007, Detective Van Pelt said that Farrakan did not verify his residence or update any change of address or employment. However, during that period the detective did receive a call from Farrakan advising that he could no longer live with his mother and that he was trying to find a new place to live. Detective Van Pelt advised Farrakan that his mother's residence was within two thousand feet of a school or day care and that his living there was a violation of the sex-offender registration rules.

In November 2007, Little Rock Police received a call about a suspicious person near the downtown library. Officer Shelly Griesemer was dispatched and identified the suspect as Farrakan. When Officer Griesemer asked Farrakan where he lived, he advised her that he was

homeless. Farrakan was arrested for failing to comply with the sex-offender-registration conditions.

At trial, in addition to the testimony from the witnesses discussed above, the State offered the testimony of Kim Wallace, the manager of the apartments where Blessing lived. Wallace testified that Blessing was a tenant of the apartments, but Farrakan was not. Wallace had seen Farrakam on the premises, however.

The defense presented the testimony of Blessing, who at first testified that Farrakan lived with her for “about two or three weeks” in April 2007 after he was released from prison. She testified that he stayed with her “most of the time,” but later testified that he stayed most of the time with his father at a different location. She could not remember visiting with Detective Van Pelt and telling him that she did not know where Farrakan was.

Farrakan denied that he provided a false address when he registered with Detective Van Pelt. He said that he told the detective he was living with his mother and provided the address of 5921 Valley Drive. According to Farrakan, the detective contacted him in July 2007, said that Farrakan gave a false address at registration, and that he had to re-register. Farrakan testified that he did re-register and provided an ID card, which was issued on July 10, 2007, that reflects his mother’s address of 5921 Valley Drive, Apt. 8. Farrakan also testified that he saw Detective Van Pelt on a few occasions after he re-registered, and Van Pelt never said there was a problem with the address Farrakan provided. Farrakan said that he had not violated the verification condition because he re-registered in July 2007 and that six months had not elapsed since that time.

During trial, Farrakan timely moved for a directed verdict at the close of the State’s

case and again after all of the evidence had been presented, arguing that the State failed to present sufficient evidence of guilt. The trial court denied both motions. The trial court subsequently found Farrakan guilty of failure to register as a sex offender. Farrakan appeals his conviction.

Farrakan argues that the State failed to present sufficient evidence supporting the conviction, and as a result, the trial court erred in denying his motion for directed verdict. We treat a motion for directed verdict as a challenge to the sufficiency of the evidence. *Adkins v. State*, 371 Ark. 159, 264 S.W.3d 523 (2007). In reviewing a challenge to the sufficiency of the evidence, we view the evidence in a light most favorable to the State and consider only the evidence that supports the verdict. *Id.* We affirm a conviction if substantial evidence exists to support it. *Id.* Substantial evidence is that which is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or the other, without resorting to speculation or conjecture. *Id.*

Farrakan argues on appeal that the State failed to prove that he violated the requirements of the Sex Offender Registration Act. Farrakan asserts that there was a lack of evidence supporting his conviction because the forms that *he* filled out and the ID that *he* provided both reflected his mother's address: 5921 Valley Drive.

Under the Act, a person who has been adjudicated guilty of a sex offense has a duty to register as a sex offender using a registration form prepared by the Arkansas Crime Information Center. Ark. Code Ann. § 12-12-906 (Supp. 2007) and § 12-12-907 (Repl. 2003). The Act further provides that before a sex offender changes his address within the state, he is required to report the change to the center no later than ten days before the offender

established residency or is temporarily domiciled at the new address. Ark. Code Ann. § 12-12-909(b)(1) (Supp. 2007). A change of address is defined as a change of residence, a change of job location, or any other change that alters where an offender regularly spends a substantial amount of time. Ark. Code Ann. § 12-12-903(4) (Supp. 2007). A person who fails to register or who fails to report a change of address or employment shall be guilty of a class C felony. Ark. Code Ann. § 12-12-904 (Supp. 2007). The sex-offender-registration requirements are mandatory and failure to comply with those duties is a strict-liability offense. *Adkins, supra*.

We hold that the State presented substantial evidence that Farrakan did not live at either 5929 or 5921 Valley Drive, which is in violation of sex-offender-registration conditions. Farrakan was not on the lease for the apartment at 5921 Valley Drive. In November 2007, Farrakan told Officer Griesemer that he was homeless. Farrakan's mother told Van Pelt that Farrakan did not live with her. She also testified that her son only stayed with her two to three weeks after he was released from prison and that he stayed at his father's house most of the time. Lastly, assuming that all of the registration forms reflected that Farrakan lived at 5921 Valley Drive and that he did live at that address, Farrakan was still in violation of his sex-offender-registration conditions because that address was within two thousand feet of a school or day care. Ark. Code Ann. § 5-14-128 (Supp. 2007).

Because the State proved that Farrakan was required to register and comply with sex-offender-registration requirements, but failed to do so, the trial court did not err in denying Farrakan's motion for a directed verdict.

Affirmed.

MARSHALL and BAKER, JJ., agree.